IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 16301 of 2007(N)

PETITIONER:

D.NELSON, AGED 57, RETIRED PROFESSOR,
RESIDING AT MATHA VIHAR, NANTHRICKAL, VELLIMON PO,
PERINAD VILLAGE, KOLLAM TALUK, KOLLAM DISTRICT.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS:
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1. THE SECRETARY,
PERINAD GRAMA PANCHAYAT, CHEMMAKKADU P.O.,
KOLLAM.

2. THE PERINAD GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, PERINAD,
CHEMMAKKADU P.O., KOLLAM.

3. THE EXECUTIVE ENGINEER, PWD, KOLLAM.

BY ADV. SMT.A.G.ANEETHA
SRI.MANU SOLOMAN
Sr. Govt. Pleader Sri. Mohammed Anzar.K.J.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE TAX RECEIPT DTD. 16-02-04 ISSUED BY THE VILLAGE OFFICER, PERINAD VILLAGE.**
EXT.P2	**TRUE PHOTOGRAPH OF THE CONSTRUCTION WORK BEING CARRIED OUT BY THE FIRST RESPONDENT IN ITS PROPERTY.**
EXT.P3	**TRUE COPY OF THE REPRESENTATION DTD. 5-5-07 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.**
EXT.P4	**TRUE COPY OF THE RECEIPT NUMBER 1640 OF 2007 ISSUED BY R3**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.16301 OF 2007

Dated this the 4th day of June, 2007

JUDGMENT

Complaint of the petitioner is that Section 220 of the Kerala Panchayat Raj Act is being violated by the panchayath itself. Case of the petitioner is that construction is going to be made by the second respondent panchayat on 25 cents of property on the northern side of Kollam Anchalumoodu- Kundara road. It is in violation of section 220(b), it is stated.

2. Learned counsel for the second respondent submits that there is no absolute basis in the complaint of the petitioner. She would submit that panchayat is undertaking construction strictly in accordance with section 220(b). She submits that in fact 3.3 meters is left from the road boundary.

In the light of this submission, in case any construction is actually made by the respondent illegally, I leave open the remedy

of the petitioner to approach the statutory authority. As of now, it is sufficient to record the submission of the learned counsel for the panchayat that construction is being made strictly in accordance with law.

K.M.JOSEPH
JUDGE

sv.